

Kurita investigated the fungicidal activity of several components of essential oils in *Biol. Chem.*, 45(4), 945-952, 1981, and found that ... perillyl aldehyde ... ha[s] minimal to good fungicidal activity depending upon the component tested.

It also relies upon Chastain A for the further teaching that perillyl alcohol (not perillyl aldehyde) has antibacterial properties.

As applicants have discovered and claim 1 recites, perillyl aldehyde alone has both antifungal and antibacterial properties. The references relied upon in making this rejection would require two different compounds to achieve this effect (i.e. perillyl aldehyde and perillyl alcohol). And, to the extent that Chastain A and Chastain B teach that two different compounds are required, these references teach away from applicants' claimed invention.

Moreover, as taught by applicants' invention and further claimed in dependent claims 3-5, perillyl aldehyde functions as both a fungicide and a bactericide even at extremely low concentrations. The prior art relied upon in making this rejection neither teach nor suggest this unexpected property.

The remaining dependent claims recite additional elements nowhere addressed in the subject office action. For example, claim 7 further recites that the inactive ingredient comprises

an alcohol selected from the group of hexadecanol, octadecanol and propanediol. The subject office action does not even mention these claimed elements, let alone establish a *prima facie* case of obviousness. See MPEP 2142.

For these reasons, applicants respectfully overcome this rejection of claims 1-34.

### ***Claim Rejections under 35 U.S.C. §112***

The subject Office Action rejected claims 14 and 33 because they are not limited to a specific second active ingredient. It is respectfully submitted that the breadth of the claim should not be equated with indefiniteness. These claims are broad not vague. See MPEP 2173.04 ("Breath of a claim is not to be equated with indefiniteness").

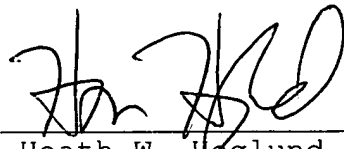
### ***Conclusion***

For the forgoing reasons, it is respectfully submitted that the application stands in condition for allowance. The Examiner's further consideration and favorable action are respectfully requested.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'H. Hoglund', written over a horizontal line.

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